DIVORCE—ALIMONY—JUDGMENT IN PERSONAM—NON-RESIDENT DEFENDANT.—HOOD v. HOOD, 61 S. E., 471 (GA.).—*Held,* that a judgment *in personam* for temoprary alimony and attorney's fees cannot be lawfully rendered in a divorce suit brought against a non-resident husband, who is not served with process within this state and does not appear in the case, but is only constructively served by publication.

A decree for temporary alimony is a judgment *in personam. Rigney v. Rigney,* 127 N. Y. 408. As a general proposition, service of process by publication in actions *in personam* is insufficient, as it creates no personal liability in the person so served. *Cook v. Cook,* 56 Wis. 1. The legislature may authorize constructive service by the court within its jurisdiction, but has no authority to authorize such notice upon non-residents. *Darcy v. Ketchum et al.,* 11 Howe 165. And a decree rendered against a non-resident under constructive notice may be held void in a foreign state as not constituting "due process of law" under the Fourteenth Amendment. *Eliot v. McCormick,* 144 Mass. 10.

FRAUDS, STATUTES OF—SALES OF PERSONALITY—CORPORATE STOCK.—SPRAGUE v. HOSIE, 118 N. W. 497 (MICH.).—*Held,* that shares of corporate stock which have been issued, are "goods" within the Statute of Frauds.

Although shares of stock are personal property, it has been held that they are not goods within the Statute of Frauds. *1 Thomp. Corp.,* Sect. 1068. In England, the weight of authority is that they are not goods. *Humble v. Michell,* 11 A. & E. 205; *Heseltine v. Siggers,* 1 Exch. 856; *Watson v. Spratley,* 10 Exch. 222. And Georgia follows this authority. *Rogers v. Burr,* 105 Ga. 432. But the United States courts as a whole, favor the other view. *North v. Forest,* 15 Conn. 400; *Gooch v. Holmes,* 41 Me. 523; *Baltzen v. Nicolay,* 53 N. Y. 467; *Fine v. Hornsky,* 2 Mo. App. 61; *Ely v. Ormsby,* 14 Barb. 570.

HUSBAND AND WIFE—ALIENATION OF AFFECTIONS—RIGHT OF ACTION BY WIFE.—WORKMAN v. WORKMAN, 85 S. E. 997 (IND.).—*Held,* that a wife may maintain an action for damages for the malicious alienation of her husband's affections.

The modern tendency is to hold that the loss of her husband's *consortium,* gives to the wife a right of action within the meaning of the statutes enabling her to sue alone for an injury to her person, property or personal rights. *Nolan v. Pearson,* 191 Mass. 283; *Wolf v. Frank,* 92 Md. 138. Some decisions hold that also she possesses this right at common law, even to the extent of suing alone. *Foot v. Card,* 58 Conn. 1. But in other cases where the right at common law was claimed, the necessity of joining the husband in the action was acknowledged as a disability, which the statutes have now removed. *Bennett v. Bennett,* 116 N. Y. 584. Some courts deny altogether the existence of this right of action, either at common law or under such statutes. *Duffies v Duffies,* 76 Wis. 374; *Morgan v. Martin,* 92 Me. 190; *Hodge v. Wetzler,* 69 N. J. L. 490.

INSURANCE—ACCIDENT INSURANCE—ACCIDENTAL MEANS.—SCHMIDT v. INDIANA TRAVELERS' ACC. ASS'N., 85 N. E. 1032.—Where one who carried accident insurance died of circulatory failure and paralysis of the heart

brought on by physical exertion in the rarified atmosphere of a mountain resort, where he had gone for his health, *held,* that since he died from doing what he intended to do though the result was not anticipated, his death was not the result of accidental means, and no recovery could be had on the accident policy.

An accident is generally defined as an unforseen event which happens without the design or aid of a person. *Williams v. U. S. Mutual Acc. Ass'n.,* 38 N. Y. St. Rep. 378. But in order to recover on an accident insurance policy, it is not enough that the injury was unforseen and without design. *Reynolds v. Equitable Acc. Ass'n.,* 49 Hun. (N. Y.) 605. The means which produced the injury must have been accidental. *U. S. Mutual Acc. Ass'n. v. Barry,* 131 U. S. 100. A person may do certain acts which may produce what is commonly called an accident, but unless in the acts which preceded the injury something unexpected or unusual happens, the means cannot be said to be accidental. *Clidero v. Scottish Acc. Ins. Co.,* 39 Scot. L. Rep. 303. So where one died from an injury received while swinging indian clubs, it was held that if the injury resulted from the use of the clubs in the ordinary way of taking exercise, such injury could not be attributed to accidental means; but if, as was the case, the injury was caused by a sudden movement while using the clubs due to an unforseen obstruction, then the means was accidental and a recovery could be had. *McCarthy v. Travelers' Ins. Co.,* (U. S.) 1879, 7 Rep. 486.

JUDGMENTS—CONCLUSIVENESS—RECORD.—CHILDRESS V. CARLEY ET AL., 46 So. 164 (MISS.).—*Held,* that a judicial record, purporting on its face to be complete as required by law, is in law not the subject of impeachment. Whitfield, C. J., *dissenting.*

The utmost verity it attached to judgments and they are not the subject of impeachment, where made by the proper tribunal acting within its jurisdiction, except by a direct attack by the authority of the state. *Kelley v. Dresser,* 93 Mass. 31. A judicial record cannot be affected by parol. *Kendall v. Powers,* 4 Metc. 553. The record, showing nothing irregular on its face, will be conclusively presumed to be correct in case of any collateral proceedings. *Dequindre v. Williams,* 31 Ind. 444; *Stroyer v. Richmond,* 16 Ohio St. 455. Mere irregularities in entering the judgment will not subject it to impeachment; provisions for filing and entering a judgment roll being looked upon as merely directory and not imperative. *Bennett v. Couchman,* 48 Barb. 73.

MASTER AND SERVANT—DUTIES DISTINGUISHED—NEGLIGENT DEPARTURE FROM REASONABLY SAFE METHOD OF WORK.—PORTLAND GOLD MINING CO. V. DUCE, 164 FED. 180.—*Held,* that as between master and servant, the duty of using a reasonably safe place, of so operating reasonably safe machinery, and of so conforming to an established and reasonably safe method of work, that injury will not be inflicted negligently is the duty of those to whom the work is intrusted and is no part of the positive duty of the master.

All that can be required of a master is that he use reasonable care to avoid exposing his servant to extraordinary risk. *Wonder v. B. & O. R. Co.,* 32 Md. 411. The duty of using a reasonably safe place and so operating